

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

**CM/ECF USERS' ADVISORY GROUP
MARCH 3, 2000, MEETING
MINUTES**

A meeting of the CM/ECF Users' Advisory Group (UAG) was held on Friday, March 3, 2000. The meeting, which was held via videoteleconference, at the court's Alexandria, Norfolk and Richmond facilities, commenced at 12:00 Noon and concluded at 1:20 P.M. The following persons were in attendance at the meeting: Rita Daley (with Don King's office), Frank Santoro, Charles Krumbein, Gregg Nivala, William Parkinson, Jr., Judge David Adams, Peggy Grivetti, Chuck Miller, Pat Woodhouse, Renee Mitchell-Paxton, Andrea Redmon, Barry Wells and Bill Redden.

Bill Redden made some introductory remarks, including advising the meeting participants that a selection had been made for the division manager position for the Norfolk and Newport News divisions. As a point of information, Bill also provided an update on the status of S.625.

The minutes from the January 21, 2000, UAG meeting were approved and will be made accessible, for public viewing, through a link to the ECF System Information Page at the court's Internet web site. [These minutes have been posted.] A CM/ECF Users' Advisory Group Information Page has been created as well. Links to consenting external UAG members' and Bill Redden's Internet e-mail addresses have been added to the UAG Information Page to facilitate public inquiries.

Barry Wells and Andrea Redmon provided an update on several items of interest, as follows:

1. The CM/ECF first version release screen standard of 640x480 resolution is being revised to reflect an industry shift toward higher-resolution monitors. Accordingly, the Administrative Office of the U.S. Courts (Administrative Office) has revised the standard to design all forms for viewing at 800x600 resolution, which primarily will eliminate the need for vertical scrolling.

2. The Administrative Office remains committed to the delivery of CM/ECF servers to the prototype bankruptcy courts. Delivery of servers to the Eastern District of Virginia is targeted for May 15, 2000. Once received and installed, automation division staff in the clerk's office will proceed to configure and test the servers before placing accessible live data on the equipment.

Bill Redden noted that the Administrative Office has advised the prototype courts that an outside contractor would be hired to review the CM/ECF project plan. The contractor will assess the project's organizational structure, staff resources and financial plan. [The contract has been awarded to PricewaterhouseCoopers. The assessment is expected to be completed by June 2000. Work will continue on the project, including the delivery of the CM/ECF servers to the prototype courts, as scheduled.]

3. The Administrative Office has advised Bill Redden that its commitment to deliver a NIBS data conversion program to the Eastern District of Virginia remains on target for July 1, 2000. [Unofficially, this target delivery date may not occur until August 2000.] The automation division staff of the clerk's office will be working with the Administrative Office in testing the NIBS conversion software module. Once this software module has been received by the court, it is estimated that full conversion of NIBS data to CM/ECF, following installation and testing, will take about 90 days from the date of delivery. [If delivery of the NIBS data conversion program does not occur until August 2000, full conversion of NIBS data over to CM/ECF likely could not occur before the first quarter of CY 2001.]

4. Information was given to the meeting participants concerning a new mechanism for notifying users when ECF server equipment access is interrupted. The scroll window at the top of the Home Page of the Eastern District of Virginia Internet web site will be used to advise CM/ECF users of any interruptions to the CM/ECF server equipment, which currently is being maintained at the Administrative Office. The February 2000 edition of the *ECF Flier* also provided an alternative to accessing ECF data when the "Internet Search" option at the court's Internet web site is down.

A question was raised about what a user should do if a document must be filed because of an impending deadline or bar date for filing and access to ECF is not possible. The February 2000 edition of the *ECF Flier* noted that if a user is attempting to gain ECF access and cannot gain such access, the user should contact the ECF Help Desk (1-888-271-8610) immediately to report the problem. Further discussion ensued on this issue. Court representatives noted that the clerk's office maintains a log of any ECF down times. While permitting a late filing to be deemed timely is a matter for judicial determination, upon the filing of a motion, a user should contact the ECF Help Desk. In addition, the user should note the date and time of day of the attempted filing. It was agreed that this information would be highlighted in the March 2000 edition of the *ECF Flier* and in the "Frequently Asked Questions" section on the ECF System Information Page at the court's Internet web site. [The March 2000 edition of the *ECF Flier* was released on March 14, 2000, and the "Frequently Asked Questions" section has been updated.]

5. Electronic Data Systems (EDS) has been contracted by the Administrative Office, at the direction of the Judicial Conference's Committee on Automation and Technology, to undertake a major Information Technology (IT) study. EDS representatives will be visiting the Eastern District of Virginia, at Richmond, to identify national IT processing requirements. The bankruptcy, district and appeals courts will be visited in addition to the probation and pretrial services offices. For bankruptcy, in addition to a "business process-oriented tour", a demonstration of CM/ECF will be provided. [The EDS team visited the bankruptcy court on March 13-14, 2000.]

Barry Wells, Andrea Redmon and Bill Redden provided an update on communication and training efforts that are underway or recently had taken place:

1. At the suggestion of the Norfolk/Newport News Local Liaison Committee, commencing with the February 2000 edition of the *ECF Flier*, the names of attorneys trained during the previous month (January 2000) were listed. In the March 2000 edition of the *ECF Flier*, the names of attorneys who went live (in addition to those who were trained) during the previous month (February 2000), will be listed. [The March 2000 edition of the *ECF Flier* was released on March 14, 2000.]

2. All sixteen modules of the *ECF Training Manual for Attorneys and Additional Elements for Trustees (Training Manual)* have been updated. An effort currently is underway to make further substantive and reformatting revisions to the *Training Manual*. This effort should be completed within the next 30 days. [Upon further review and in light of a deferral of the CM/ECF first version release, substantive revisions together with some initial reformatting revisions should be completed within 30 days following the release of this version. See Item 10, below.]

3. The Richmond Bar Association sponsored an *Electronic Access to the Courts* seminar on January 20, 2000. The bankruptcy court version of CM/ECF was demonstrated at the seminar. [In addition to the bankruptcy demonstration, demonstrations were made by the Henrico Circuit Court, the U.S. Court of Appeals for the Fourth Circuit, the Virginia State Corporation Commission and the law librarian for Mezzullo and McCandlish.]

4. Continuing CM/ECF training for the Eastern District's standing chapter 13 trustees and for their office staff personnel was undertaken from mid-January 2000 to mid-February 2000. This continuing CM/ECF training was well received.

5. Continuing CM/ECF training is being planned for panel trustees in the Eastern District during March 2000. Training is scheduled, as follows: (A) Alexandria Division, March 15; (B) Richmond Division, March 28; and (C) Norfolk and Newport News divisions, March 29. These training sessions have been coordinated with the U.S. Trustee's office. [The training sessions were completed as scheduled. These training sessions were well received.]

6. On February 15, 2000, three members of the clerk's office staff (Sandra Heagle, Debbie Lowe and Andrea Redmon) made a presentation on CM/ECF to staff members of the clerk's office for the U.S. Court of Appeals for the Fourth Circuit. (The Fourth and DC Circuits have been designated as prototype courts for the appellate version of CM/ECF.) The presentation was well received.

7. Continuing CM/ECF training for the Judges of the court are underway on an as-requested basis. Judge Adams and Judge St. John received such continuing CM/ECF training in February 2000.

8. Bill Redden has been asked to make a general presentation at a March 21, 2000, Richmond Bankruptcy Bar Luncheon meeting. His remarks will include CM/ECF matters of interest. [The presentation took place as scheduled and was well received.]

9. The clerks of the Fourth, Fifth and DC Circuits will be meeting at New Orleans, Louisiana in late April 2000 [April 24-27] for an annual clerks' conference. On April 26, at a scheduled afternoon bankruptcy clerks' session, Andrea Redmon and Barry Wells will demonstrate the use of CM/ECF and sit on a panel with Bill Redden and others to participate in a discussion on CM/ECF and to answer questions from the perspective of a prototype court.

10. Andrea Redmon will be making a CM/ECF presentation at a March 31, 2000, training session for the law firm of Reed, Smith, Shaw, McClay, [and, in Virginia, including Hazel, Thomas]. It is anticipated that there will be 100 plus attendees. [The presentation took place as scheduled and was well received.]

Andrea Redmon provided an overview of recently released CM/ECF prototype version feature enhancements and anticipated feature enhancements from the CM/ECF first version release. The latter release remains scheduled for delivery to the prototype courts and to the Phoenix Independent Testing Center on March 31, 2000. [The Administrative Office has advised that the transmittal of this first version release will be delayed for about six weeks; unofficially, this version release may not occur until the end of May 2000.]

A new CM/ECF prototype feature enhancement allows users to access a docket entry's receipt for cases filed after the December 1999 release. The receipt appears as it did when the receipt was sent. The receipt includes a list of all e-mail addresses to which the receipt was sent. This feature is available from the docket sheet. When executing the docket sheet, the selection criteria screen has an option to include or not to include the receipt feature. If this option is not selected, the docket report runs without the receipt being noted. If this option is selected, however, the docket report runs with the receipt being noted. The receipt will be available through an icon located near the document number column (it will appear as a black circle). [An emergency modification release was installed on February 14, 2000. The release included six items, some of which were: the name of the user who made an entry into the CM/ECF System will appear in the System Transaction Log; the CM/ECF System will add all of the addresses when multiple attorneys are added through using the Attorney Selection Screen in Docketing. The CM/ECF System also will add all of the addresses when multiple parties are added through using the Filer Selection Screen in Docketing and their addresses are modified for the case in question.]

CM/ECF first version release enhancements will include: case management functionality; VCIS functionality; enhanced security levels; public claims access; capability for users to print mailing labels remotely; and case opening with fewer screens requiring data entry by users.

Several procedural issues were noted:

1. For the present time, the standing chapter 13 trustees in the Norfolk and Newport News divisions will be authorized to submit chapter 13 confirmation orders in ECF cases to the court via paper.
2. At the last UAG meeting, there was a discussion about discontinuing the submission to the clerk's office of the "Declaration of Divisional Venue" and the proof of service to the "Disclosure of Compensation" forms. Since the use of these items is mandated by the court's Local Bankruptcy Rules, these matters have been referred to the court's Standing Committee on Local Bankruptcy Rules. The Standing Committee, which is scheduled to meet, via videoteleconference, on March 29, 2000, will consider whether these items should be recommended for discontinuation. [A report of the Standing Committee will be prepared for the Judges, which will include a discussion on these matters.]

The Administrative Office will continue to develop a file upload method of case opening. Once the CM/ECF first version release is delivered to the prototype courts and to the Phoenix Independent Test Center, work will continue on this enhancement for operational release to the courts on CM/ECF.

At the last UAG meeting, a discussion ensued concerning e-mail notification. Court representatives noted that the February 2000 edition of the *ECF Flier* contained an article advising CM/ECF users that they may edit their e-mail notification at any time. A question was raised concerning whether a filter could be placed on e-mail notices that were not of direct interest to certain recipients. The court representatives indicated that a Modification Request (MR) would be sent to the Administrative Office's Technology Training & Support Division (TTSD). [The MR has been submitted to the TTSD for review and consideration.]

The UAG was advised of an article in the February 2000 edition of the *ECF Flier* concerning the proper procedure to take when a case is opened in the wrong division of the court.

A discussion then ensued concerning whether ECF Fairs should be scheduled for this fiscal year as a follow-up to the Fairs that were held a year ago. While the concept of having ECF Fairs in the divisions of the court was well received, it was agreed that the Fairs: first, should be targeted at an identified group of users and, second, should be scheduled following the transmittal of the

CM/ECF first version release to the courts. It was the consensus of the UAG members that ECF Fairs should be targeted to live users and tailored as a refresher for these users. Fall 2000 was seen as a good time to hold these Fairs.

No technical questions or additional issues of interest were raised by the UAG members.

It was agreed that the next UAG meeting should be scheduled some time following the CM/ECF first version release to allow for a testing and comment period by users. The next UAG meeting, which is scheduled for Friday, May 19, 2000, will commence at 12:00 Noon and conclude by 2:00 P.M. The meeting will be held via videoteleconference, through Sprint, at the Alexandria, Norfolk and Richmond facilities. UAG members will provide Bill Redden with a listing of proposed agenda items and technical questions, by close of business May 1, 2000. This will facilitate a review by court representatives of any submitted agenda items and technical questions prior to the next scheduled UAG meeting. Bill Redden will send out an agenda for the next UAG meeting by close of business May 5, 2000.

The meeting adjourned at 1:20 P.M.

Respectfully Submitted,

William C. Redden